

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 31, 2008, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With particular respect to independent Claim 34, Applicant again notes that this claim is not included in any of the statements of rejection. MPEP § 707.07(d) indicates that where a claim is refused the word “reject” must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intends to reject Claim 34 upon the same basis of the rejection of Claims 1-3, 5, 8, 10-16, 18-22, 30, 31, 37-52, such a rejection would be improper for the reasons discussed below in connection with the failure of the asserted combination of Otto, Stolfo, and Junda to correspond to the claimed invention. If this was not the Examiner’s intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP § 707.07(d).

Claim 35 has been canceled without prejudice thereby rendering any rejections of Claim 35 moot. Applicant accordingly requests that the rejections of Claim 35 be withdrawn.

With respect to the § 112 rejection, the objected-to language has been deleted from independent Claims 1, 15, 21, 30, and 31 rendering the rejection of these, and their corresponding dependent claims, moot. With respect to Claims 34 and 36, it is noted that the subject matter of a claim need not be described literally in the Specification (*i.e.*, using the same terms or *in haec verba*), and an applicant is not limited to the nomenclature used in the application as filed. MPEP §§ 608.01(o) and 2163.01. Also, the claims recite that the predetermined limitations are limitations for the use of the virtual identifier such that a communication connection is established consistent with the limitations on the use of the virtual identifier. One example provided in paragraphs [0027] and [0045] describes a connection being established using a virtual identifier only while the identifier is valid. Since Claims 34 and 36 recite how a virtual identifier, and any predetermined limitations on

use thereof, affect establishment of a communications connection, the rejection is believed to be improper. Applicant accordingly requests that the rejection be withdrawn.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the independent claims to indicate that a second user equipment requests a communications connection with a first user equipment using a virtual identifier of the first user equipment and such connection is established when a characteristic identifier is found to match the virtual identifier. Support for these changes may be found in the instant Specification, for example, at paragraph [0029]; therefore, the changes do not introduce new matter. The pending claims are believed to be patentable over the asserted references for the reasons set forth below.

The asserted combination of references does not teach a second user equipment using a first user equipment's virtual identifier to request a communications connection to the first user equipment. More specifically, none of the asserted references teaches such a use of a virtual identifier by a device not identified by the virtual identifier. For example, Otto's anonymous identities enable anonymous access by the device using the anonymous identity, but Otto does not suggest that a second device uses the anonymous identity to request establishing a communications connection with the device. Moreover, Gilbert's website password service does not teach or suggest that a second user equipment would or could request establishment of a communications connection with a first user equipment using a virtual identifier of the first user equipment. Again, Gilbert merely teaches that a device may obtain a user ID to access a website, not establish a communications connection with a second user equipment, as claimed. Without correspondence to each of the claimed limitations, each of the § 103(a) rejections is improper. Applicant accordingly requests that the rejections be withdrawn.

Dependent Claims 2, 3, 5, 8, 10-14, 16, 18-20, 22, and 37-52 depend from independent Claims 1, 15, 21, 30, and 31, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the asserted

combination of Otto, Stolfo, and Junda. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the above remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 3, 5, 8, 10-14, 16, 18-20, 22, and 37-52 are also patentable over the asserted combination of Otto, Stolfo, and Junda.

With respect to the rejections of various dependent claims, the further reliance on the teachings of WO 00/12364 to Lumme *et al.* (hereinafter “Lumme”) and U.S. Patent No. 6,968,385 to Gilbert (hereinafter “Gilbert”) does not overcome the above-discussed deficiencies in the teachings of Otto, Stolfo, and Junda. Neither Lumme nor Gilbert has been shown to teach using a virtual identifier to establish a communication connection between a first and second user equipment. As neither Lumme nor Gilbert teaches or suggests these claim limitations, any combination of these teachings with those of Otto, Stolfo, and Junda must also fail to teach such limitations. Thus, the § 103(a) rejection of dependent Claims 9, 23, 27, and 33 should also not be maintained. Applicant accordingly requests that the rejections be withdrawn.

With particular respect to Claim 36, the rejection should not be maintained for the reasons set forth above in connection with the asserted teachings of Otto, Stolfo, Junda, and Gilbert. For example, none of the asserted references teaches a second user equipment using a virtual identifier of a first user equipment to establish a communication connection between the first and second user equipment, as now claimed. Moreover, the asserted validation of a user to a web site using a temporary login and checking a time stamp fails to correspond to the claimed comparison of virtual identifiers with characteristic identifiers of

a user equipment. Thus, the asserted combination of references does not teach or suggest each of the limitations of Claim 36, and Applicant requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.055PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,
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